IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.348 OF 2006
WITH
CIVIL APPLICATION NO.431 OF 2006

The Commissioner Mira Bhyander
Municipal Corporation ..Appellant

Vs.

Shri Sunil R.Choudhary ..Respondent

Mr.S.A.Joshi for the appellant

CORAM : A.M.KHANWILKAR, J
DATED : 15TH JUNE, 2006

P.C.:

1. No interference is warranted in this appeal from order which questions the ad-interim order passed by the Trial Court on 20.3.06 directing the parties to maintain statusquo until next date. It is seen that the injunction application filed by the respondent is still pending. During pendency of the said injunction application (Exhibit 5) an order came to be passed on application Exhibit 12 which is impugned in this appeal from order. The circumstances in which the impugned order of status

quo has been passed can be seen from the copy of application filed by respondent at page 24. As mentioned earlier, the appeal is devoid of merits. The appropriate course is to direct the Trial Court to decide the main injunction application (Ex.5) within one month from the receipt of writ of this court. The order of status quo will operate till the injunction application is disposed of or the trial court decides to vacate the same for tangible reasons. Appeal from order is disposed of.

2. Trial Court to ensure that no adjournment is given to the parties and that the main Injunction application is finally disposed of within the specified date.

3. In view of order passed in Appeal from Order, Civil Application is also disposed of.